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TAGS: [PREL](#) [PGOV](#) [GG](#)

SUBJECT: MAJOR IMPEDIMENTS REMAIN FOR IDPS SEEKING RETURN
TO ABKHAZIA

REF: 07 TBILISI 2146

Classified By: CDA Mark X. Perry, for reasons 1.4 (b) and (d)

¶1. (C) Summary: Despite recent Russian Foreign Ministry claims that a "majority" of ethnic Georgians have returned to Gali, nearly 230,000 of an estimated 270,000 Internally Displaced Persons (IDPs) who fled Abkhazia during the 1992-3 war remain displaced and unable to return to their homes. Security concerns continue to be a primary impediment to return, particularly in the predominantly ethnic Georgian Gali district of Abkhazia, where reports of robberies, forced conscription, assaults and kidnappings targeting ethnic Georgians are common. Crime targeting Georgians in Gali remains high, with the Abkhaz police and CIS peacekeepers doing little to improve the security situation. Other impediments to IDP return include Abkhaz "citizenship" requirements, which would force IDPs who return to renounce their Georgian citizenship, the illegal sale of IDP property to Russian and Abkhaz citizens, restricted access to Georgian-language education and the threat of conscription into the Abkhaz military, not to mention pervasive hostility toward ethnic Georgians by the Abkhaz. End summary.

Yakobashvili: violence in Gali benefits de-facto govt.

¶2. (C) Georgian Minister for Reintegration Yakobashvili expressed frustration during a recent meeting with Charge that the Abkhaz de-facto authorities were not doing more to improve the security situation in Gali. He said that the violence in Gali benefits de-facto presidential representative for Gali Ruslan Kishmaria and other de-facto authorities by keeping Georgians living in Gali intimidated and discouraging further return of IDPs to Abkhazia. He categorized the violence as 50% criminal gangs targeting Georgian families (with the knowledge that neither the de-facto authorities nor the CIS PKF will arrest them) and 50% Abkhaz militia units robbing Georgian families during the lucrative hazelnut and mandarin harvests.

Recent attacks highlight ongoing Gali security concerns

¶3. (C) While reports of robberies targeting mandarin and hazelnut growers in Gali are not new, recent Georgian media reports have depicted cases of assault and torture targeting Georgians living in Gali, suggesting these attacks are ethnically motivated. UNOMIG Senior Liaison Officer told us on March 25 that the Georgian media reports are often exaggerated or inaccurate and that there has been a slight decrease in the overall level of crime in Gali. He acknowledged, however, that crime remains a serious issue for Gali residents and hampers further IDP return. Two recent incidents highlight the ongoing security concerns for Georgians living in Gali. On March 17, UNOMIG confirmed

Georgian media reports that two masked men broke into the home of Gali resident Roman Agrbaia. Agrbaia was robbed, beaten and burned with a hot iron and later died from his wounds. On March 22, UNOMIG reported a carjacking against Gali resident Boris Baghaturia and wife, where two masked men stole his car (a 24 year-old Lada), 1,500 Rubles (about USD 60) and a wedding ring. Baghaturia was apparently struck in the head with a rifle, but did not suffer serious injury. The Georgian media reported on the Agrbaia crime fairly accurately but alleged torture in the Baghaturia case that UNOMIG could not confirm.

IDPs' concerns: security, harassment, property loss

14. (C) Many of the IDPs we have spoken with have been nearly unanimous in their desire to return to Abkhazia, but many fear for their safety should they return. They said they not only feared criminal attacks, but also harassment by Abkhaz police and forced conscription of their male relatives into the Abkhaz militia (reftel). It is because of these fears that many of the estimated 40,000 IDPs who have ostensibly "returned" to the Gali district have done so only on a seasonal basis, crossing over into Gali to tend to their hazelnut and mandarin crops in the summer months and returning to Zugdidi in the winter. Harvest season is the riskiest period for these farmers, who not only have to fend off criminal gangs after their money but also have to avoid the local authorities, who frequently confiscate as much as half of a farmer's nut harvest as a "tax" payment to the de-facto authorities. Many Gali residents fear that they could not safely take their hazelnuts out of Gali to sell, so they sell them to Abkhaz middlemen who export them to Russia for a large profit.

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15. (C) Abkhaz in Sukhumi are quite open about their hostility to Georgians. They recall the outrages of the 1992-93 war, but also betray ethnic prejudice as well. On a September 2007 visit to Sukhumi, Embassy officers raised the possibility that Georgian drivers from the Embassy might bring Embassy officers to Abkhazia in the future. De-facto deputy foreign minister Maxim Gunjia discouraged the idea, saying it was very likely our Georgian employees would be assaulted in the street if they came with us.

16. (U) With few exceptions, IDPs have returned only to homes within pre-war boundaries of the Gali district (Note: A post-war Abkhaz territorial re-organization put small parts of this area in the Ochamchire and Tkvarcheli districts, permitting the Abkhaz to make the misleading claim that returns have occurred in three districts. End note). IDPs originating from the Sukhumi or Ochimchire districts have told us that even if they would risk returning, they have nothing to return to; their homes have been either destroyed, allowed to decay, or been illegally appropriated by Abkhaz or Russian citizens. Any traveler to Abkhazia is immediately struck by the large number of empty shells of houses in Gali and Sukhumi. The houses are evidence both of the large number of IDPs who are still absent from Abkhazia and of the difficulties in re-establishing them if they return.

17. (U) The Abkhaz parliament has further complicated the property issue by passing a resolution in 2006 instructing Abkhaz courts to suspend all property cases filed by owners who had abandoned their property after 1993, allowing Russian and Abkhaz speculators to buy IDP property without fear of local prosecution. The Georgian government has issued several warnings against the illegal purchase of property in Abkhazia and has threatened to sue Russia for illegal property transfers at the European Court of Human Rights in Strasbourg, using Cyprus cases as a precedent (Note: Decisions of the European Court of Human Rights against Turkey in the Cyprus case have confirmed that a states' interference with refugees' property rights, without

compensation, is a violation of the European Convention on Human Rights. End note).

Additional barriers to return

18. (U) In addition to safety and security concerns, IDPs returning to Abkhazia face a number of additional obstacles that prevent them from fully participating in society. In 2005, the Abkhaz de-facto authorities passed a citizenship law that essentially disenfranchises all IDPs upon their return to Abkhazia. The law defines an Abkhaz citizen as a person who has lived in Abkhazia no less than five years from the adoption of the "Act on the State Sovereignty of the Republic of Abkhazia" in 1999 (Note: Virtually all the remaining 240,000 IDPs would not qualify under this provision. End note) and forbids dual citizenship with any country except Russia. Such strict residency requirements would exclude IDPs who return from participating in higher education and limit access to social and medical services unless they renounced their Georgian citizenship. De-facto authorities also continue to strictly control education in Georgian, limiting instruction in the Georgian-language to ten schools in the lower Gali district while maintaining control over the curriculum.

Comment

19. (C) Georgian IDPs' rights to return are guaranteed by several provisions of international law, including Article 13 of the Universal Declaration on Human Rights. These rights are further reinforced by several agreements, including the 1994 Quadripartite Agreement on the return of refugees and displaced persons, signed by both the Abkhaz and Georgian sides, that call on the Abkhaz to provide for conditions allowing for the "safe, voluntary, and dignified" return of all IDPs. The Abkhaz de-facto authorities have a clear obligation under these agreements to protect the safety of returned IDPs and to facilitate the return of those still displaced, obligations that they have clearly failed to fulfill. Russia's responsibility, especially toward the property of IDPs, is another issue to be considered.
PERRY